

Notice of Allowability

Application No.

09/359,561

Examiner

Son P. Huynh

Applicant(s)

LUDVIG ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments/petition filed 9/3/03, 10/4/04, 1/3/06 and telephone interview on 3/29/06.
2. ☒ The allowed claim(s) is/are 2,3,5-16 and 18-21 have been renumbered as 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

HAI TRAN
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Eamon J. Wall (Reg. 39,414) on March 29, 2006.

2. The application has been amended as follows:

Claims 4 and 17 have been canceled.

In claim 2, in line 8, the term "distribution system." has been replaced as – **distribution system;**

wherein the combining step further comprises:

compositing, frame-by-frame, at least one video sequence onto said background imagery to form a background sequence; and

compositing a plurality of program guide graphics onto said background sequence, where a different program guide graphic is composited onto said

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background sequence to form a plurality of program guide frame sequences that represent individual program guide pages. --

In claim 5, line 1, the phrase "the method of claim 4" has been changed to – **the method of claim 2 --**

In claim 15, line 15, after "...for each IPG page;" insert --

providing an indicator in each bitstream where said video component may be switched from one PID to another PID; --

In claim 18, line 1, the phrase "the method of claim 17" has been changed to – **the method of claim 15 –**

In claim 20, line 1, the phrase "the method of claim 17" has been changed to – **the method of claim 15 –**

In claim 21, line 1, the phrase "the method of claim 17" has been changed to – **the method of claim 15 –**

Allowable Subject Matter

3. Claims 2-3, 5-16, 18- 21 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 2-3, 5-14, the prior art of record fails to disclose or fairly suggest a method of producing an encoded user interface comprising: producing a video frame sequence representing an interactive program guide by combining, in a frame synchronized manner, background imagery with at least one video sequence and at least one graphic containing program guide information to form the video frame sequence; wherein the combining step further comprises:

compositing, frame-by-frame, at least one video sequence onto the background imagery to form a background sequence; and

compositing a plurality of program guide graphics onto said background sequence, where a different program guide graphic is composited onto the background sequence to form a plurality of program guide frame sequences that represent individual program guide pages; and

encoding said video frame sequence within a head end of an information distribution system.

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Regarding claims 15-16, 18-21, the prior art of record fails to anticipate or render the limitations “combining, in a frame synchronized manner, background imagery with each of a plurality of video sequences to form a plurality of IPG video portions;

overlaying a plurality of respective graphic images containing program guide information over respective ones of each of said plurality of IPG video portions to form a plurality of page portions, each of said plurality of IPG page portions comprising a respective common video portion and a plurality of programming information portions, and wherein a plurality of IPG page sequence comprises common programming information portions and differing video portions per IPG page sequence;

encoding each sequence of IPG pages within a head-end of an information distribution system to form said plurality of streams; ...providing an indicator in each bitstream where said video component may be switched from one PID to another PID” in combination with all other limitations of the method as variously claimed in claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

It is noted that Group Art Unit 2611 has been changed to Group Art Unit 2623.

SPH
March 30, 2006


HAI TRAN
PRIMARY EXAMINER